

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES JONES,

Plaintiff,

v.

CURTIS ALLEN, et al.,

Defendants.

No. 2:20-cv-1984 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 9, 2022, plaintiff's first amended complaint ("FAC") was screened, and he was given the option of either amending it or proceeding on the cognizable claims raised against defendants Erika Ramirez, Melani de la Vega, and Debrina Sanchez. ECF No. 16 at 4-6, 7. Plaintiff was given fourteen days to inform the court how he wished to proceed. Id. at 7. At that time, plaintiff was also cautioned that his failure to return the notice form would result in a recommendation that defendant Curtis Allen and the claims raised against him be dismissed.

More than fourteen days have passed, and plaintiff has not filed his notice on how to proceed, nor has he responded to the court's order in any way. For these reasons, the court will recommend that defendant Curtis Allen as well as any claims raised against him be dismissed for


1 the reasons explained in the screening order, ECF No. 16, which is incorporated here by reference  
2 as if set forth fully herein.

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a  
4 United States District Judge to this action.

5 IT IS FURTHER RECOMMENDED that defendant Curtis Allen and all claims raised  
6 against him in the first amended complaint (ECF No. 14) be DISMISSED. See Fed. R. Civ. P.  
7 41(b); Local Rule 110.

8 These findings and recommendations are submitted to the United States District Judge  
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
10 after being served with these findings and recommendations, plaintiff may file written objections  
11 with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings  
12 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
13 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153  
14 (9th Cir. 1991).

15 DATED: June 1, 2022

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17 ALLISON CLAIRE  
18 UNITED STATES MAGISTRATE JUDGE  
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